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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: *Ex Parte* Notice in IB Docket Nos. 02-364, 05-220, and 05-221**

Dear Ms. Dortch:

On March 7, 2006, Anthony J. Navarra, President, Globalstar, David Weinreich, Spectrum Manager, Globalstar, and William T. Lake, Counsel to Globalstar, met with Robert G. Nelson, Chief Satellite Division, Howard C. Griboff, Assistant Chief, Policy Division, J. Breck Blalock Chief of Staff and Associate Bureau Chief, Patricia A. Cooper, Senior Advisor for Satellite Competition, and Jennifer A. Gorny, Attorney Advisor, Policy Division of the Federal Communications Commission International Bureau. The purpose of this meeting was to discuss Globalstar's comments filed in IB Docket Nos. 02-364, 05-220, and 05-221. A copy of the materials distributed during the meeting is attached to this letter.

Pursuant to Sections 1.49(f) and 1.1206(b) of the Commission's rules, a copy of this letter and its attachment has been filed electronically.

Respectfully Submitted,



Josh L. Roland  
Counsel to Globalstar LLC

cc: Robert G. Nelson  
Howard C. Griboff  
J. Breck Blalock  
Patricia A. Cooper  
Jennifer A. Gorny



# Globalstar LLC

March 7, 2006



# Globalstar Spectrum

- Globalstar has been providing service for more than 5 years and has successfully marketed its service to a number of markets, including: emergency response providers, commercial and pleasure ship companies, private aviation
- In the wake of Hurricanes Katrina and Rita, Globalstar's system remained operational, highlighting the importance of MSS
- Commission is considering three matters that will have a great impact on the amount and utility of Globalstar's spectrum
- Compromising amount and utility of spectrum any further places Globalstar at a competitive disadvantage and undermines ability to serve emergency preparedness and national security customers



## The Big LEO MSS Band – L-Band Sharing

- In 2004, the Commission required Globalstar to share a segment of its assigned spectrum with Iridium in the L-band (1618-1621.35 MHz)
- Now the Commission is considering requiring Globalstar to share *even more* L-band spectrum (IB Docket 02-364)
- Further erosion of spectrum allocation is not justified
  - U.S. government agencies want priority restoration service which cannot be provided in shared spectrum
  - Globalstar's business continues to grow and rely more on its spectrum
  - In order to share with Radio Astronomy, Globalstar requires spectrum above 1615
  - Globalstar requires spectrum above 1616 to provide its aviation services
  - Globalstar and its business partners are innovating rapidly - new products not based on standard phone require discrete blocks of spectrum
  - Further erosion of spectrum impairs Globalstar's ability to provide ATC services



## The Big LEO MSS Band – S-Band Sharing

- In 2004, the Commission required Globalstar to share a segment of its downlink spectrum with BRS operators in the S-band
  - 2496-2500 MHz (BRS 1) with 2495-2496 MHz as guard band
- This band represents vital capacity for Globalstar's service
- BRS interests want to move Globalstar out of this segment entirely
- BRS and Globalstar can share as shown in the record of the proceeding
  - BRS likely to use Ch. 1 for low power cellular-like services
- Additional modest restrictions on BRS would greatly enhance utility of band segment for MSS
- The Commission should affirm its sharing decision and:
  - Limit BRS operations to the top 35 MSAs
  - Limit BRS base station power to EIRP of 600 watts
  - Limit out-of-band emissions from BRS users to an aggregate below -209 dBW/Hz outside of the top 35 MSAs



## 2 GHz MSS Band

- Revocation of Globalstar's license was legally erroneous and should be reconsidered.
  - It is critical that Globalstar have enough spectrum to meet the growing needs of public safety, first responder, and other customers
  - The 2 GHz spectrum band is the only available MSS expansion spectrum, and is ideally suited for that purpose
- It is not too late to ensure optimal competition.
  - Globalstar has made a strong case for reinstatement on both legal and policy grounds
  - Chairman Martin expressed serious doubts about the Commission's decision in his Separate Statement
  - Globalstar has supplemented its pending petition for reconsideration to present a thoughtful and achievable proposal for constructing a 2 GHz satellite
  - Globalstar is in active discussions with two satellite manufacturers



## 2 GHz MSS Band (cont.)

- December 9, 2005, decision reserved all 40 MHz of spectrum for two foreign-licensed companies, ICO and TMI, that already held 8 MHz of spectrum each in that band.
  - One of those companies (TMI) is merely a holding company that does not sell phones or service
  - The other (ICO) has never provided a telecommunications service of any kind
- FCC created a legal duopoly in the 2 GHz MSS market based on faulty premises.
- Globalstar believes that the FCC must reconsider its December 9<sup>th</sup> Order



## 2 GHz MSS Band (cont.)

- The Commission's rationale that its decision will speed the delivery of MSS services for first responders and other public safety providers has no factual basis
  - During the 2004 hurricanes, only Globalstar and Iridium (and not TMI or ICO) provided the essential services for first responders
  - Neither TMI nor ICO will have their 2 GHz systems in operation for at least two years, and perhaps longer, and there is no requirement that they provide any extraordinary service to the public safety community, as Globalstar has done
  - If Globalstar receives access to some of the 2 GHz spectrum, it will continue to meet the high priority needs of national security and emergency preparedness agencies



## 2 GHz MSS Band (cont.)

- December 9<sup>th</sup> Order restricts competition and discourages innovation in the 2 GHz MSS marketplace by creating a duopoly
  - Violates FCC's own express policy in favor of having at least three service providers in any spectrum band
- Order granted more spectrum to TMI and ICO than either has shown a need for
  - Spectrum windfall for TMI and ICO while ignoring compelling case that Globalstar made
  - TMI and ICO already have a substantial amount of 2 GHz spectrum and have committed to building their systems with the spectrum they have



## 2 GHz MSS Band (cont.)

- Most grievously, December 9<sup>th</sup> Order failed to consider the corporate relationship between TMI and Mobile Satellite Ventures Subsidiary, LLC (“MSV”)
  - FCC ignored the fact that TMI and MSV operate as one business and that MSV itself has 20 – 28 MHz of MSS L-band spectrum.
  - That combined entity now will control *twice* the amount of spectrum held by any other MSS licensee serving the U.S. market

